

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HECTOR VARGAS TORRES,

Plaintiff,

v.

CAPT. B. HARRIS, *et al.*,

Defendants.

No. 4:17-CV-01977

(Judge Brann)

ORDER

MAY 29, 2020

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Plaintiff's motions for summary judgment, Docs. 69 and 81, are **DENIED**;
2. Defendants' motion for summary judgment, Doc. 90, is **GRANTED**;
3. Plaintiff's state law claim of negligent failure to intervene is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction pursuant to 28 U.S.C. § 1367(c)(1);
4. The Clerk of Court is directed to **ENTER JUDGMENT** in favor of Defendants and as against Plaintiff on all claims remaining; and
5. The Clerk of Court is directed to **CLOSE** this matter.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge